

EDMUND G. BROWN JR.
Attorney General of the State of California
DAVID S. CHANEY
Chief Assistant Attorney General
FRANCES T. GRUNDER
Senior Assistant Attorney General
JONATHAN L. WOLFF
Supervising Deputy Attorney General
CHARLES J. ANTONEN, State Bar No. 221207
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5443
Fax: (415) 703-5843
Email: Charles.Antonen@doj.ca.gov

Attorneys for Defendants
J. Woodford, E. Alameida, R. Kirkland, L. Chrones,
G. Williams, N. Grannis, E. Fischer, D. Hawkes,
M. Ruff, M. Hunter, J. Garcilazo, and W. Luper

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARCADIO S. ACUNA,

Plaintiff,

v.

LEA ANN CHRONES, et al.,

Defendants.

C 07-5423 VRW

**DECLARATION OF N.
GRANNIS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

DECLARATION OF N. GRANNIS

I, N. GRANNIS, declare as follows:

1. I am employed by the California Department of Corrections and Rehabilitation as the Chief of the Inmate Appeals Branch. I am a named defendant in this action. I am competent to testify to the matter set forth in this declaration, and if called upon to do so, I would and could so testify. I submit this declaration in support of Defendants' Motion to Dismiss.

2. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has proceeded through the final level of review, the Director's Level.

3. Attached as Exhibit A is a true and correct copy of the Inmate Appeals Branch computer printout report of each inmate appeal that was submitted by inmate Arcadio Acuna (Plaintiff), CDCR # C-43165. The Inmate Appeals Branch computer printout report catalogues which of Plaintiff's inmate appeals completed all levels of review, culminating in a final review by the Director's Level, and which of Plaintiff's inmate appeals were screened out at the Director's Level. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has proceeded through the final level of review, the Director's Level.

4. I have reviewed the inmate appeals bearing the numbers IAB 0500285 (CAL 04-00545 & LAC 04-02386); IAB 0511886 (PBSP 05-02559); IAB 0603584 (PBSP 06-01842); and IAB 0607165 (PBSP 06-02400). Plaintiff did not grieve in any of these inmate appeals that his placement in the security housing unit at Pelican Bay State Prison was in retaliation for Plaintiff's refusal to serve as an informant.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento, California, on June 19, 2008.

/s/ N. Grannis
N. GRANNIS